



Trafficking in Persons Report

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ARGENTINA (Tier 2 Watch List)

Argentina is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Most victims are trafficked within the country, from rural to urban areas, for exploitation in prostitution. Argentine women and girls also are trafficked to neighboring countries and Western Europe for sexual exploitation. Foreign women and children, primarily from Paraguay and Brazil, are trafficked to Argentina and Western Europe for commercial sexual exploitation. Bolivians and Peruvians are trafficked into the country for forced labor in sweatshops and agriculture. Reported cases of human trafficking have increased in Argentina, which may be due to growing public awareness of the issue, as well as a higher number of migrants in the country, some of whom are vulnerable to being trafficked.

The Government of Argentina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Argentina remains on Tier 2 Watch List for the second consecutive year for its failure to show evidence of increasing efforts to combat human trafficking, particularly in terms of providing greater assistance to victims and curbing official complicity in trafficking. Although there has been momentum over the last two years to pass comprehensive anti-trafficking reforms, draft legislation is still pending in the Argentine Congress. Argentina's overtaxed criminal justice system also slows down the government's efforts to prosecute human traffickers. In the coming year, the Argentine government should: enact and implement its much-needed comprehensive anti-trafficking bill; intensify and expedite prosecution efforts against traffickers; increase anti-trafficking training for judges and police; provide greater victim assistance; and make stronger efforts to investigate, prosecute, and convict public officials who facilitate human trafficking.

Prosecution

The government demonstrated modest but uneven progress in its law-enforcement efforts against traffickers during the reporting period. Argentina does not prohibit all forms of trafficking in persons, though related offenses are criminalized by a variety of criminal and immigration statutes, which prescribe penalties of up to 20 years' imprisonment. Such penalties are sufficiently stringent and commensurate with penalties for other grave crimes. Enactment of comprehensive federal anti-trafficking legislation would allow the government to move more aggressively against human traffickers. Bills are pending in both

houses of the Argentine Congress, and approaching final passage. As a temporary measure until the legislation is passed, the Attorney General's Office of Victims' Assistance (OFAVI) in early 2006 drafted an executive decree to create a national program for anti-trafficking prevention and victim assistance, but the government elected not to sign the interim decree at that time, preferring to push for passage of a national law through the Argentine Congress instead.

Government officials were not able to provide complete data or information about prosecutions against traffickers in 2006; lack of a federal anti-trafficking law impedes the collection of nationwide data and statistics and makes analysis of Argentina's anti-trafficking efforts difficult to gauge. Anecdotal data indicate that 15 trafficking-related arrests took place during the reporting period, down from 33 arrests in 2005. However, the government showed progress by securing sentences against two convicted traffickers in separate cases for crimes involving minors: one defendant in Cordoba province, a former police officer, was sentenced to 14 years in prison; and a second defendant was sentenced to four years of incarceration. Other trafficking-related investigations and cases remain open, including several criminal actions against brothel owners. In one case, 37 women were forced into prostitution at a brothel in Chubut province were rescued. Formal charges have been filed against the brothel owners, who paid bribes to municipal officials. Prosecutors also are investigating police involvement in the case. But, in a notorious labor trafficking case involving Bolivians working in sweatshops in Buenos Aires, charges were dismissed against two suspected traffickers on technical grounds. Credible reports indicate that local law enforcement officials intimidated some of the witnesses or offered them bribes to change their testimony. Widespread corruption and collusion with traffickers at provincial and local levels has been reported and is considered to be a serious impediment to prosecuting cases. The government increased anti-trafficking training for judicial and law enforcement officials, including in the critical tri-border area with Brazil and Paraguay. Additional training for judges and police is sorely needed.

Protection

Despite limited resources, the government made some efforts to assist victims during the reporting period. The government did not systematically and proactively identify victims among vulnerable populations, such as persons detained for prostitution or immigration violations. OFAVI coordinated victim-assistance policy and offered a limited number of victims access to medical and psychological treatment, legal counseling, referrals to other sources of assistance, and repatriation. The government does not operate victim shelters dedicated to trafficking, but victim-assistance offices worked with social-services agencies to ensure that trafficking victims received shelter and appropriate care. The government began to provide funding to anti-trafficking NGOs in 2006. There are unconfirmed reports of victims being jailed for crimes committed, such as prostitution, as a direct result of being trafficked. Argentine authorities encourage victims to assist in the investigation and prosecution of their traffickers. Victims

are rarely deported, and Argentine immigration law provides that citizens of Mercosur member or associate states can obtain temporary residency in Argentina.

Prevention

The government made modest progress in prevention activities during the reporting period. The government lent strong political support to IOM anti-trafficking campaigns featuring a popular Uruguayan singer in video and TV spots. The government also has taken the lead within Mercosur for a regional anti-trafficking prevention campaign. In October 2006, the government conducted a nationwide campaign against child labor. Through greater press coverage and NGO and government efforts, public awareness about the dangers of human trafficking in Argentina appears to be growing.